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**DEVELOPMENT SERVICES MEMORANDUM**

DATE: April 5, 2016

TO: Chairman Bailey and Members of the Zoning Board of Appeals

CC: Eric Slagle, Director of Development Services  
Shaun Shanahan, Building Commissioner  
Judy Tymon, Senior Planner  
Joseph Giniewicz, Associate Planner

FROM: Christine McCall, Assistant Planner

RE: 35 Rea Street

**PROJECT SUMMARY**

Adavilson Sabino is seeking Variance approval for the creation of an additional drive way at 35 Rea Street, a two-family dwelling, located in the Suburban Single Family (SSF) Zoning District. The proposed project requires a Variance from the Zoning Board of Appeals under Section 5.3 and Section 6.1 of the Lowell Zoning Ordinance.

**DECISION CRITERIA & PREREQUISITES (Variance)**

The Lowell Zoning Ordinance and Massachusetts General Law (Ch. 40A, Sec. 10) state that the Zoning Board must find the following zoning prerequisites have been met before a variance may be granted. Specifically, Section 11.2.3 states that, "the Board of Appeals is authorized to grant a variance from zoning ordinances only if each of the following jurisdictional conditions" exist:

1. Special hardship "owing to circumstances relating to the soil conditions shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district."
2. If "relief can be granted without substantial detriment to the public good."
3. Relief requested can be granted "without nullifying or substantially derogating from the intent of the zoning."

**COMMENTARY**

Based on a review of the submitted materials, we offer the following to the Board for consideration. ***If the Board finds that the applicant has met the requirements for granting a Variance***, the following comments may either be clarified during the public hearing or be adopted as conditions in part or in whole to the approved relief. As always the Board may wish to add any additional conditions based on their review.

**GENERAL COMMENTS**

1. No Work shall commence until a Decision Letter has been recorded at the Registry of Deeds, Middlesex North and the recording information has been submitted to the Lowell Division of Development Services (DDS) office.

2. The Lowell Zoning Board and/or the authorized representative(s) reserve the right to access the property at any time for the purpose of inspecting the work covered by this proposal.
3. Documents approved by the Board and/or the agent (s) thereof shall be made a part of all construction specifications.
4. Any approval and conditions of said approval shall apply to any successor in control or successor in interest of the property described in the Variance Application and accompanying plans submitted to the Lowell Zoning Board of Appeals.

#### **DEVELOPMENT SERVICES**

5. The applicant is seeking a Variance from the off-street parking requirements pursuant to Section 6.1. The creation of a second curb cut increases the parking requirement from 4 parking spaces to 6 parking spaces. The applicant is proposing to create a second driveway to provide 2 additional parking spaces (4 parking spaces in total). Therefore, the applicant needs a Variance for 2 parking spaces even though he is proposing to create 2 additional parking spaces on the subject property.
6. The applicant is seeking a Variance for landscaped open space pursuant to Section 5.3 of the Lowell Zoning Ordinance. This two-family structure is located in the SSF Zoning District, which was designed to generally provide more open spaces in and around single-family houses. The applicant is proposing to construct an additional driveway to provide adequate off-street parking for his tenants.
7. The proposal will be taking away 2 on-street parking spaces. In addition, the subject property will now have two 16 foot curb cuts.
8. Should the Board grant the applicant the Variances, the Board may consider requiring the applicant to bring the existing pavement into compliance (pavement 3ft from property line and 3ft from structure).
9. Applicant must contact the City Engineer for all paving permits and comply with their standards.